

ARIZONA MINER.



VOL. IV.

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Arizona Miner.

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the publication of Constitutional Principles
of Government, and the advancement of
the interests of every section of Arizona.

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TO CORRESPONDENTS.—Correspondence upon
subjects of a public nature, which may be of in-
terest to our readers will at all times, when fur-
nished, be published in the Miner, but we wish
distinctly understood that we will not be ac-
countable for our life, our property, etc., for
our contents. We expect to have our hands full
settling our own troubles, and being too poor
to engage a fighting editor, intend to fix up our
business with "jaw-bone." Sabe, John?

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Commissioner of Deeds for the
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LAWS OF ARIZONA—1867.

ADOPTED BY THE FOURTH LEGISLATIVE ASSEMBLY.

AN ACT To Amend and Re-enact Chapter Fifty-two, Howell Code, "Of the Incorporation of Villages."

Be it enacted by the Legislative Assembly of
the Territory of Arizona:
SECTION 1. Chapter Fifty-two Howell Code
is hereby amended and re-enacted to read as
follows:

SEC. 2. Any territory not included in any
incorporated village which shall contain a re-
sident population of not less than three hun-
dred persons; or any territory not so included,
which shall contain within its boundaries an
extent of not more than two square miles,
containing a resident population at the rate
of not less than three hundred persons to
each square mile or territory included within
such boundaries, may be incorporated as a
village under the provisions of this chapter.

SEC. 3. Any number of legal voters not less
than fifteen, residing within such territory may
make application for the incorporation of such
village to the Board of County Supervisors of
the county in which such Territory or the
larger part thereof may be situated, at any
regular session of such Board.

SEC. 4. Such application shall be based on
the last census of the resident population of
such territory, taken by the Sheriff of the
county in which such territory may be located.

SEC. 5. Such application shall be by peti-
tion, subscribed by the applicants who shall
be residents of such territory, describing such
territory and setting forth the number of per-
sons residing therein according to such cen-
sus; such census and the affidavit verifying
the same and a copy of the notice herein
required, with an affidavit of posting or pub-
lishing the same as aforesaid, shall be annexed
to such petition; and it shall be presented at
the time specified in such notice or as soon
thereafter as the applicants can be conveni-
ently heard in respect thereof.

SEC. 6. The Board of County Supervisors
shall hear all the parties interested therein,
who shall appear and ask to be heard; it may
adjourn the hearing from time to time; it may
direct that a new census shall be taken; and
appoint a person or persons to take the same;
and said Board may refer any question that
may arise in respect to such application to
three disinterested commissioners appointed
by such Board who shall examine and report
thereon.

SEC. 7. If such Board after hearing the
parties, shall be satisfied that all the require-
ments of this chapter in respect to such appli-
cation have been complied with and that such
territory contains the population required by
this chapter, it shall make an order declaring
that such territory shall be an incorporated
village, by the name specified in such appli-
cation, or by such other name as to such
Board shall seem proper; and such Board
shall in such order appoint three inspectors of
election to hold the first election required by
this chapter; said Board shall also appoint
the time and place of holding the said first
election.

SEC. 8. The inspectors so appointed shall
immediately give notice of the time and place
of holding such election, and the officers to
be elected at such election, by posting up
written notices thereof in at least three pub-
lic places in such territory, at least three
weeks previous to the day appointed for hold-
ing the same; or by publishing the same in
some newspaper printed in such territory for
three successive weeks immediately preceding
the time aforesaid. At such election the
polls shall be opened at ten o'clock in the
forenoon, and shall close at four o'clock in the
afternoon.

SEC. 9. Such inspectors shall preside and
act as inspectors at such meeting; the Mayor
and Councilmen or any three of them may
preside at every subsequent election; the Re-
corder of said village may be clerk thereof
and all the laws of this Territory in relation
to the election and canvass of votes certifying
the election of officers and notifying them of
their election, shall apply to such first election
and to all subsequent elections of officers in
such village, so far as the same may be applica-
ble and not inconsistent with the provisions of
this chapter.

SEC. 10. Every elector residing in such
territory and qualified to vote at a general
election, may vote at all elections in said vil-
lage.

SEC. 11. The inspectors at such first election
and at all subsequent elections, shall canvass
the votes given; current, shall openly
declare the result, and shall make and sub-
scribe a certificate of such canvass, which shall
show the whole number of votes given, the
number given for each person voted for, and
the officer for which he shall have been voted
for; which certificate shall be recorded in the
records of said village.

SEC. 12. No person not an elector shall be
eligible to any office under the provisions of
this chapter, and the persons eligible and
having the greatest number of votes at any
election herein provided for, shall be declared
elected; and if two or more shall have an
equal and the greatest number of votes, the
officers presiding at such election shall forth-
with determine by lot which shall be deemed
elected.

SEC. 13. Every person elected at any elec-
tion under the provisions of this chapter and
whose name is entered on the poll lists as a
voter thereof, shall be deemed notified of his
election; and every person so elected whose
name shall not be so entered, shall be notified
of his election within ten days thereafter;
and if elected at such first election such notice
shall be given by the inspectors presiding
thereat; and if elected at any subsequent
election he shall be notified by the Recorder
of such village.

SEC. 14. The municipal authorities of such
village shall be a Mayor and four Councilmen
who shall together form a Common Council—
one Marshal who shall also be Street Com-
missioner, one Assessor, one Treasurer, one
Recorder, and one Pound Master.

SEC. 15. Election for officers (except at the
first election) shall be held on the first Tues-
day of July in each year, at such place as
shall be designated by the Council.

SEC. 16. The Mayor first elected shall hold
his office for one year from the first Tuesday
in July following his election, and the subse-

quent term of office of the Mayor shall be two
years, and until his successor shall be elected
and qualified.

Of the four Councilmen first elected, two
shall hold office until the first Tuesday in
July following their election, and two until
one year from the first Tuesday in July fol-
lowing their election. And the said Council-
men shall at the first meeting of the Council
subsequent to their election decide among
themselves by lot, which of their number
shall hold office for the long term and which
for the short term.

The Marshal, Assessor, Treasurer, Recorder,
and Pound Master, who shall be first elected,
shall each hold office for one year from the
first Tuesday in July following their election.
And elections for each of said officers (except-
ing the Recorder) shall be held annually there-
after. Provided that the term of office, of all
officers herein mentioned, shall continue, un-
til their successors are elected, and qualified.

SEC. 17. Every officer elected in such vil-
lage shall, within ten days after he shall be
notified of his election, take and subscribe the
oath of office prescribed by law, before any
person authorized to administer oaths, and file
the same with the Recorder of such village.

SEC. 18. The Council may order a special
election to fill any vacancy that may occur in
any of the offices mentioned in this chapter;
but no special election shall be held until at
least ten days notice shall have been given of
the time and place of holding the same, as
herein provided.

SEC. 19. It shall be the duty of the Recorder
of said village to give at least ten days notice
in writing, by posting the same in at least
three public places in said village, of the time
and place of holding all elections.

SEC. 20. It shall be the duty of the Mayor
to preside at all meetings of the electors, and
of the Council, and the Recorder, who shall
be ex officio Clerk of the Council, shall keep
in a journal an accurate record of all its pro-
ceedings, by-laws, acts and orders, which
shall be fully indexed, and open to the inspec-
tion of the electors of such village.

SEC. 21. The Mayor and Council of such
village, when organized as hereinbefore pro-
vided, shall be a body corporate and politic,
with perpetual succession, to be known by the
name designated as aforesaid, and by that
name shall be known in law, and shall be ca-
pable of suing and being sued, of pleading and
being impleaded in all Courts and places, and
may have a common seal, and may alter and
change the same at pleasure, and may pur-
chase, hold and convey real and personal es-
tates, for the use of such corporation.

SEC. 22. The Council shall have power to
raise by general tax levied upon the taxable
property, liable to be assessed in such village,
not exceeding one per cent in any one year,
for the following purposes:

1. For paying the expenses of procuring
such village to be incorporated.

2. For making and maintaining such public
wells, cisterns and other reservoirs of water,
and for procuring the necessary fixtures there-
for as may be deemed necessary.

3. For procuring the necessary ground and
erecting a pound for the use of such village
and for keeping the same in repair.

4. For purchasing fencing ornamenting and
improving ground for a cemetery or burial
place.

5. For laying out opening improving and
making the highways streets lanes and alleys
in such village.

6. For making and repairing side and cross
walks and improving the public grounds.

7. For incidental expenses.

SEC. 23. All taxes raised in such village
shall be assessed and collected in conformity,
so far as practicable, with the provisions of
law in respect to the assessment and collec-
tion of taxes by the Board of County Com-
missioners.

SEC. 24. Treasurer and Marshal of such vil-
lage shall respectively, before they enter upon
the exercise of the duties of their respective
offices give such security for the faithful dis-
charge of the trusts reposed in them, as the
President and Trustees may direct and re-
quire.

SEC. 25. The Council shall have power to
appoint all other officers necessary under the
provisions of this chapter for said village,
whose elections are not herein provided for;
to make by-laws and ordinances relative to
the duties, powers, and fees of the Marshal,
Treasurer, Assessor, and other officers, relative
to the time, and manner of working upon the
streets, commons, lanes and alleys; relative
to the time, and manner of assessing, levying
and collecting, all highway and other taxes;
relative to the prevention, removal and abate-
ment of nuisances. To construct sewers, cis-
terns and reservoirs; to dig and maintain
public wells; to license showmen; to suppress
gambling; to compel the owners of buildings to
procure and keep fire buckets; to regulate
bridges; to protect the property of the citi-
zens of such village from fires; relative to the
keeping and sale of gunpowder; relative to
the restraining of swine horses and other
animals from running at large in the streets
commons, lanes and alleys; to establish man-
ual and regulate one or more ponds; to sup-
press gambling tables kept for gain hire or re-
ward; for the suppression of riots; for pre-
venting and suppressing disorderly houses, or
houses of ill fame; for the apprehension and
punishment of vagrants, drunkards and idle
persons; to regulate the measurement of fire
wood and the weighing of hay; to prescribe
stands for carts or drays, and for wood hay
and produce exposed for sale; to prevent and
punish immoderate driving in any of the
streets of said village; to prevent encroach-
ing the streets, side walks alleys or public
grounds, and to regulate all graveyards and
cemeteries within or belonging to said village;
to preserve shade and ornamental trees; and
to make all such by-laws and ordinances as to
them shall seem necessary for the safety and
good government of said village and its in-
habitants not inconsistent with the provisions of
this chapter or the laws of this Territory;
Provided That no by-law or ordinance of said
corporation shall have any effect until the
same shall have been published three weeks
successively in a newspaper printed in said
village, or by posting up in at least three
public places in said village.

SEC. 26. The Council may prohibit any
theatrical or other performance show or ex-
hibition it may deem injurious to the morals
or good order of the village or town.

SEC. 27. The Council shall have power to
lay out and establish open make and alter

such streets lanes and alleys side walks water
courses and bridges as they may deem neces-
sary for the public convenience; and if they
shall require the lands of any person for such
purpose, the Council shall give notice to the
owner or party interested, his, her, or their
agent or attorney, either by personal service
or by written notice, posted in at least three
public places in said village, three weeks next
preceding the meeting of the said Council for
the purpose aforesaid; and the said Council is
hereby authorized to contract for and pur-
chase such lands of such owner for the pur-
pose aforesaid; and in case such owner or
owners refuse to sell or convey such lands or
premises for the purpose aforesaid, or the
parties fail to agree, it shall and may be law-
ful for the Council to order and direct the
Clerk to issue a venire facias, directed to the
Marshal or to any constable, in the county in
which such village or any part thereof may be
situated, commanding him to summon and re-
turn a jury of twelve disinterested freehold-
ers, residing without the limits of said village
to appear before any Justice of the Peace in
said village at a time to be therein stated, to
enquire into the necessity of using such lands
or premises, and the just compensation to be
made therefor, to the owner or owners of or
interested in such lands or premises; which
jury being first duly sworn by said Justice
faithfully and impartially to enquire into the
necessity of using such lands or premises, and
the just compensation to be made therefor, and
after having viewed the premises, if they shall
deem it necessary for the village to use such
lands, shall inquire and assess such damages and
recompense as they may think proper to award
to the owner or owners of such lands or prem-
ises, according to their respective estates and
interests therein; and the said Justice shall upon the return
of the said assessment and verdict, render judg-
ment thereon confirming the same; and such
sum or sums so assessed, together with the
costs, shall be paid or tendered before such
street, lane, alley, or highway, shall be opened,
established, or altered, to the claimant or
claimants thereof. It shall thereupon be law-
ful for the Council, to cause the said lands
and premises to be occupied and used for the
purposes aforesaid: Provided, That any party
claiming damages as aforesaid may have the
right to remove such proceedings by appeal
to the District Court for the county in which
such proceedings were had, upon giving notice
of his, her, or their intention so to do, to
said Justice in writing within ten days, or in
case such party does not reside in said vil-
lage, then within thirty days after the rendi-
tion of such verdict, and the judgment thereon
as aforesaid; and upon filing a transcript of
the proceedings aforesaid, duly certified by
said Justice, within forty days after the ver-
dict and judgment aforesaid in the said Dis-
trict Court the same proceedings shall there-
after be had thereon as is prescribed by law
in other cases of appeal: Provided, That if the
final judgment of said Court shall not ex-
ceed the damages assessed before the said Jus-
tice at least five dollars, the party appeal-
ing shall pay the costs occasioned by such
appeal.

SEC. 28. Any Justice of the Peace residing
within such village may be and is hereby
authorized and empowered to enquire hear
and determine all offences committed within
the limits of such villages against any of the
by-laws ordinances and regulations of such
Council, and to punish the offender or offend-
ers as provided by such by-laws and ordi-
nances. Provided, That any person charged
with violating any of said by-laws or ordi-
nances, may have a trial by jury as in other
cases.

SEC. 29. The Mayor shall be the chief ex-
ecutive officer of the village and shall take
care that the by-laws ordinances and orders
of the Council are faithfully executed; and
shall be ex officio Justice of the Peace within
the village.

SEC. 30. The Marshal Recorder Assessor
and such officers as may be appointed by the
Council shall receive such compensation for
their services as the by-laws and ordinances
may direct.

SEC. 31. The Council shall at the expira-
tion of each year cause to be published a just
and true statement of all moneys received, and
of all moneys expended during the year next
preceding; which statement shall contain in
detail all receipts and expenditures.

SEC. 32. In actions suits and proceedings
wherein the Council of such village shall be
a party, no citizen thereof shall be deemed an
incompetent witness or juror on account of
the interest of such citizen in the event of
such action suit or proceeding: Provided That
such interest be only such as is held in com-
mon with the citizens of said village.

SEC. 33. Process against said corporation
may be served by reading the same to, and
leaving an attested copy with the Clerk or
Mayor of said village: Provided That the first
process shall be a summons served at least
ten days before the return day thereof.

SEC. 34. Every assessment of taxes lawfully
imposed or levied by the Council of such vil-
lage, on any lands tenements or hereditam-
ents within said village shall be and remain
a lien upon such lands tenements or hereditam-
ents from the time of the delivery of the
tax roll to the Marshal until the same is paid;
and the owner or occupant of such lands ten-
ements or hereditaments shall be liable upon
demand to pay every such assessment or tax
and in default thereof it shall be lawful for
the Marshal of such village to levy upon and
sell personal estate and for want thereof the
real estate so assessed rendering the surplus,
if any, after deducting the cost and charges of
such sale, to the person against whom the tax
is levied: Provided That whenever any real
estate shall be sold by said Marshal notice
thereof shall be published in a newspaper
printed in such village if there be one, or by
posting written notices thereof in at least
three public places in said village at least four
weeks immediately preceding the time of such
sale; and the Marshal, on such sale, shall give
to the purchaser or purchasers of any such
lands a certificate in writing, describing the
lands so purchased, the amount of the bid,
and the time when the purchaser thereof will
be entitled to a deed for said land; and if the
said lands are not within one year from the
date of such sale, redeemed by the payment
to the Treasurer of such village, for the use of
the purchaser his heirs or assigns, the sum
mentioned in such certificate, with interest
thereon at the rate of twenty per cent per
annum from the date of such certificate, the
said Marshal or his successor in office, shall at

the expiration of said year, execute to the
said purchaser or purchasers, his or their heirs
or assigns, a conveyance of the lands so sold,
and the said conveyance shall be prima facie
evidence that the sale and all proceedings
therein prior to such sale were regular; and
every such conveyance executed by the said
Marshal under his hand and seal, acknowl-
edged and recorded, may be given in evidence
in the same manner as a deed regularly ex-
ecuted and acknowledged by the owner and
duly recorded; and all personal estate sold
for the payment of taxes, shall be sold in such
manner as the by-laws and ordinances of such
village shall direct.

SEC. 35. Whenever the Assessor of such
village, shall have completed his assessment-
roll, and valuation of the property real and
personal, in such village, he shall give notice
thereof by publishing in a newspaper printed
in such village, by at least two insertions, or
by posting up the same in at least three pub-
lic places in said village, stating the place
where said roll is left for inspection, and the
time when and place where he will appear to
hear the objections of any person interested,
to the valuation so made by him; and at the
time and place so appointed, the Assessor
shall appear, and on the application of any
person considering himself aggrieved may re-
view and reduce the said valuation on suffi-
cient cause shown to the satisfaction of said
Assessor; and any such person shall have the
right of appealing from such final decision of
the Assessor at any time within five days to
the Council which is in like manner author-
ized to review said roll and upon sufficient
cause shown, to reduce such valuation.

SEC. 36. It shall be the duty of the Coun-
cil to make out a duplicate of the tax roll
charging each individual therein an amount
of tax in proportion to the amount of real
and personal estate of such individual within
such village, and annex thereto their warrant,
signed by the Mayor and Clerk, and deliver
the same to the Marshal, whose duty it shall
be to collect the said taxes, within such time
and in such manner as the by-laws shall di-
rect.

SEC. 37. All moneys received by the Mar-
shal shall be paid over to the Treasurer of
said village.

SEC. 38. The Street Commissioner shall su-
perintend and direct the working, planking,
repairing, paving, grading and opening, all
streets, lanes, alleys, side walks, highways,
and bridges, within such village in such man-
ner, as may, from time to time, be directed by
the Council.

SEC. 39. The Council may establish the line
parallel to and bounding upon the street or
highway upon which buildings may be erect-
ed and beyond which such buildings shall not
extend.

The Recorder of such village shall hold his
office for the term of two years and shall be a
Police Justice of the Peace and shall have
cognizance of all matters arising under and
by virtue of this chapter and the by-laws and
ordinances of the Council; and may issue all
process necessary to enforce the same, with
full power to try, hear, and determine, all
suits actions, and proceedings instituted un-
der and by virtue of this chapter, in like man-
ner, and with like effect as may be done by
any other Justice of the Peace by the laws of
this Territory, and with like fees; and all
process shall be tested and made returnable,
and the proceedings shall be conducted in like
manner as prescribed for Justices of the Peace
by the laws of this Territory; and appeals
may be taken from judgments rendered by
such Police Justices in the same time and in
the same manner as provided in other cases.

SEC. 40. The Marshal shall be a Police Con-
stable for said village, and may serve any
process issued by the Police Justice or any
other officer by virtue of this chapter; and
shall perform all such services as may be re-
quired by the Council, and shall be entitled
to the same fees as constables for similar ser-
vices; and shall be entitled to the same privi-
leges and subject to the same liabilities as
said Marshal shall have the general super-
vision of the streets, commons, lanes, public
grounds, burial places, and alleys in said vil-
lage, under the direction of the Council and
shall see that the by-laws and ordinances are
properly observed.

SEC. 41. The docket of the Recorder kept
by him as such Police Justice, shall be and
remain a public record in his office, and shall
be delivered over, together with all other
books and papers, belonging to his office as
Recorder, to his successor in office; and his
successor in office shall be authorized to con-
tinue and complete all proceedings commenced
by his predecessor in office as such Police
Justice.

SEC. 42. The Council of any village incor-
porated under the provisions of this chapter
when such village is located upon public
lands of the United States, the Acts of Con-
gress relative thereto having been complied
with, shall have power to plat the village
lands, define its corporate limits in such man-
ner that they may be easily recognized; and
to sell the lands in such lots and quantities as
may be deemed expedient, and for the best
interests of the said village. The net pro-
ceeds of such sales shall belong to such incor-
porated village, and shall be paid into its
treasury to be used for the purposes hereinaf-
ter provided.

SEC. 43. Any village incorporated under
the provisions of this chapter, shall have
power in its corporate name to preempt or
purchase the lands of the United States with-
in or adjoining its corporate limits for the use
and benefit of such village; and may plat the
same and sell and convey it in such quanti-
ties as the Council shall determine upon; and
may appropriate so much thereof as they see fit
for public grounds, parks or squares. The
money arising from the sale of any such lands
shall belong to such corporation and shall be
used for the purposes provided for in this
chapter.

SEC. 44. This Act shall take effect and be
in force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 3, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my
office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT To amend Chapter Eleven Howell Code, entitled "Of Proceedings in Criminal Cases."

Be it enacted by the Legislative Assembly of
the Territory of Arizona:
SECTION 1. Section three hundred and
sixty-eight of Chapter Eleven of the Howell
Code, entitled, "Of Proceedings in Criminal
Cases," approved November tenth eighteen
hundred and sixty-four, is hereby amended
so as to read as follows:

SEC. 368. In charging the Jury the Court
shall state to them all such matters of law as
it may think necessary for their information
in giving their verdict. The charges of the
Court to the Jury shall be in writing, signed
by the Judge, and filed with the papers in
the case, unless the defendant consent in
open court for the charges to be given ver-
bally.

SEC. 2. This Act to take effect and be in
force from and after its passage.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 5, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my
office.

JAMES P. T. CARTER,
Secretary of the Territory.

JOINT RESOLUTION Regarding the Territorial Library.

Be it Resolved by the Legislative Assem-
bly of the Territory of Arizona:
1. That the Territorial Auditor be and he
is hereby authorized and instructed to draw
a warrant upon the Territorial Treasurer in
favor of Richard C. McCormick for the sum
of fifteen hundred and fifteen dollars being
the full amount paid by him for books pur-
chased for the Territorial Library according
to bills certified to the committee on public
buildings, grounds and Territorial Library
of the first Legislature and accepted under a
joint resolution approved November third
eighteen hundred and sixty-four and for sum-
ma since advanced by said Richard C. McCor-
mick for additional volumes purchased for
the Territorial Library and for freight upon
the same, and upon various public documents
presented to the Territory by Congress and
the Departments at Washington according to
certain vouchers presented to the present
Legislature: That said warrant bear interest
at the rate of ten per cent per annum and
that it be paid from the general fund by the
Territorial Treasurer according to its number
and order, unless in the mean time an appor-
portion for a Territorial Library is made by
Congress, when upon the receipt of said ap-
propriation the amount of said warrant and
interest shall be paid therefrom by the officer
in whose custody it may be upon the sur-
render of the warrant to the Territorial Treas-
urer.

2. That the Secretary of the Territory is
hereby empowered to pay all reasonable and
proper charges for freight upon books sent ei-
ther by government or private parties to the
Territorial Library taking vouchers for the
same and submitting them to Legislature with
his annual report on the Territorial Library
for approval.

OLIVER LINDSEY,
Speaker of the House of Representatives.
OCTAVIUS D. GASS,
President of the Council.
Approved October 1, 1867.

RICHARD C. MCCORMICK,
A true copy of the original on file in my
office.

JAMES P. T. CARTER,
Secretary of the Territory.

AN ACT Concerning Common Schools.

Be it enacted by the Legislative Assem-
bly of the Territory of Arizona:
SECTION 1. The Board of Super-
visors of each county within the Territory of
Arizona shall have power to establish within
their respective counties, school districts as
hereinafter provided.

SEC. 2. Any village or settlement with a
resident population of not less than one hun-
dred persons, and covering an extent of
country of not more than four square miles